

**BOARD RESOLUTION ADOPTING THE COMPLIANCE REVIEW REPORT AND
FINDINGS BY THE SPB COMPLIANCE REVIEW UNIT OF
THE CALIFORNIA DEPARTMENT OF AGING**

WHEREAS, the State Personnel Board (SPB or Board) at its duly noticed meeting of March 3, 2014, carefully reviewed and considered the attached Compliance Review Report of the California Department of Aging submitted by SPB's Compliance Review Unit.

WHEREAS, the Report was prepared following a baseline review of the California Department of Aging's personnel practices. It details the background, scope, and methodology of the review, and the findings and recommendations.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the Report, including all findings and recommendations contained therein. A true copy of the Report shall be attached to this Board Resolution and the adoption of the Board Resolution shall be reflected in the record of the meeting and the Board's minutes.



SUZANNE M. AMBROSE
Executive Officer

COMPLIANCE REVIEW REPORT CALIFORNIA DEPARTMENT OF AGING FINDINGS AND RECOMMENDATIONS MARCH 3, 2014

Examinations

During the period under review, May 1, 2011 through October 31, 2012, the California Department of Aging (CDA) conducted four examinations, which are listed below:

Classification	Exam Component	Exam Type	No. Eligibles
Associate Information Systems Analyst (Specialist)	Education and Experience (E&E ¹)	Promotional	2
Aging Programs Analyst II	Qualifications Appraisal Panel (QAP ²)	Open	15
General Auditor III	QAP	Promotional	1
Supervising Governmental Auditor I	QAP	Promotional	3

FINDING NO. 1 – CDA Complied with Civil Service Laws and Board Rules for All Examinations that were Conducted During the Compliance Review Period

Examinations to establish an eligible list must be competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors to perform the duties of the class of position for which he or she seeks appointment. (Gov. Code, § 18930.) Examinations may be assembled or unassembled, written or oral, or in the form of a demonstration of skills, or any combination of those tests. (*Ibid.*) The Board establishes minimum qualifications for determining the fitness and qualifications

¹ In an Education and Experience (E&E) examination, one or more raters reviews the applicants' Standard 678 application forms, and scores and ranks them according to a predetermined rating scale that may include years of relevant higher education, professional licenses or certifications, and/or years of relevant work experience.

² The qualification appraisal panel (QAP) interview is the oral component of an examination whereby competitors appear before a panel of two or more evaluators. Candidates are rated and ranked against one another based on an assessment of their ability to perform in a job classification.

of employees for applicants for examinations. (Gov. Code, § 18931.) Every applicant for examination shall file a formal signed application in the office of the department or a designated appointing power within a reasonable length of time before the date of examination. (Gov. Code, § 18934.) Generally, the final earned rating of each person competing in any examination is determined by the weighted average of the earned ratings on all phases of the examination. (Gov. Code, § 18936.) Each competitor shall be notified in writing of the results of the examination when the employment list resulting from the examination is established. (Gov. Code, § 18938.5.)

CDA administered four examinations to create eligible lists from which to make appointments. As part of the examination process, CDA published and distributed examination bulletins for each of the four classifications for a minimum of two weeks prior to the examination's final filing date.

State applications (STD. 678) properly signed and received by CDA were accepted during the final filing period and were thereafter assessed to determine whether applicants met the minimum qualifications (MQs) for admittance to the examination. Those applicants who met the MQs were also notified about the next phase of the examination process.

Competitive examinations consisting of QAP interviews were conducted by CDA for the following classifications: Supervising Governmental Auditor I, General Auditor III, and Aging Program Analyst II. Each competitor's qualifications to perform the duties of the classification were evaluated and rated by the interview panel.

After the QAP examination, the score of each competitor was computed, and a list of eligible candidates was established. The examination results listed the names of all successful competitors arranged in order of the score received by rank. Competitors were then notified in writing of their final scores.

The promotional E&E examination for Associate Information Systems Analyst (Specialist) consisted of rating candidates on their education and experience listed on the STD. 678. Each competitor was evaluated and ranked according to their corresponding experience in relation to the classification's knowledge, skills, and abilities.

SPB found no deficiencies in the examinations that CDA conducted during the compliance review period. Accordingly, CDA fulfilled its responsibilities to administer those examinations in compliance with civil service laws and Board rules.

Appointments

During the compliance review period, CDA made 29 appointments. The SPB reviewed each of those appointments, which are listed below:

Classification	Appointment Type	Number
Associate Information Systems Analyst	List	1
Associate Information Systems Analyst (Specialist)	List	1
Auditor I	List	5
Data Processing Manager II	List	1
Executive Secretary I	List	1
General Auditor III	List	1
Staff Services Manager I	List	2
Supervising Governmental Auditor I	List	1
Training Officer	List	1
Accounting Administrator I (Supervisor)	Permissive Reinstatement	1
Business Service Assistant	Permissive Reinstatement	1
Nurse Evaluator II, Health Services	Permissive Reinstatement	1
Accountant I (Specialist)	Transfer	1
Aging Programs Analyst II	Transfer	1
Associate Administrative Analyst – Accounting Systems	Transfer	1
Associate Budget Analyst	Transfer	1
Associate Governmental Program Analyst	Transfer	1
Management Services Technician	Transfer	1
Nurse Evaluator II, Health Services	Transfer	1
Public Health Nutrition Consultant II	Transfer	1
Staff Programmer Analyst (Specialist)	Transfer	1
Staff Services Analyst	Transfer	2
Staff Services Manager I	Transfer	1

FINDING NO. 2 – CDA Did Not Retain Applications for All the Appointments Reviewed

In relevant part, civil service laws require that the employment procedures of each state agency shall conform to the federal and state laws governing employment practices. (Gov. Code, § 18720.) State agencies are required to maintain and preserve any and all applications, personnel, membership, or employment referral records and files for a minimum period of two years after the records and files are initially created or received. (Gov. Code, § 12946.)

CDA failed to maintain applications for 5 of the 29 appointments. Therefore, it is recommended that within 60 days of the Board's Resolution adopting these findings and recommendations CDA submit to the Board a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the record retention requirements of Government Code section 12946.

Equal Employment Opportunity

The SPB reviewed CDA's EEO policies, procedures, and programs that were in effect during the compliance review period. In addition, the SPB interviewed appropriate CDA staff.

FINDING NO. 3 – CDA Does Not Have a Disability Advisory Committee

Each state agency is responsible for an effective EEO program. (Gov. Code, § 19790.) The appointing power for each state agency has the major responsibility for monitoring the effectiveness of its EEO program. (Gov. Code, § 19794.) To that end, the appointing power must issue a policy statement committed to equal employment opportunity; issue procedures for filing, processing, and resolving discrimination complaints; issue procedures for providing equal upward mobility and promotional opportunities; and cooperate with CalHR by providing access to all required files, documents and data. (*Ibid.*) In addition, the appointing power must appoint, at the managerial level, an EEO officer, who shall report directly to, and be under the supervision of, the director of the department to develop, implement, coordinate, and monitor the department's EEO program. (Gov. Code, § 19795.)

Each state agency must also establish a separate committee of employees who are individuals with a disability, or who have an interest in disability issues, to advise the head of the agency on issues of concern to employees with disabilities. (Gov. Code, § 19795, subd. (b)(1).) The department must invite all employees to serve on the committee and take appropriate steps to ensure that the final committee is comprised of members who have disabilities or who have an interest in disability issues. (Gov. Code, § 19795, subd. (b)(2).)

The SPB reviewed CDA's EEO program that was in effect during the compliance review period. After reviewing the policies, procedures, and programs necessary for compliance with the EEO program's role and responsibilities according to statutory and

regulatory guidelines, the SPB determined that the EEO Program provided employees with information guidance on the EEO process including instructions on how to file such claims. In addition, the EEO program outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. The EEO officer also reports to the director for EEO issues. CDA provided evidence of its efforts to promote equal employment opportunity in its hiring and employment practices, to increase its hiring of disabled persons, and to offer upward mobility opportunities for its entry-level staff.

CDA, however, does not have a Disability Advisory Committee (DAC). Accordingly, CDA must invite all employees to serve on a DAC and take appropriate steps to ensure that the final committee is comprised of members who have disabilities or who have an interest in disability issues. No later than 60 days after the Board's Resolution adopting these findings and recommendations, CDA must establish the DAC and submit to the SPB a written report of compliance. All relevant documents should be attached to the report.

DEPARTMENTAL RESPONSE

CDA agrees with the findings and will work on a corrective action plan to be in compliance with all findings. (Attachment 1)

SPB REPLY

Based upon CDA's response, CDA will improve their records retention process and establish a DAC.

It is recommended that CDA comply with the afore-stated recommendations within 60 days of the Board's Resolution and submit to the SPB a written report of compliance.

The SPB appreciates the professionalism and cooperation of CDA during this compliance review.

CALIFORNIA DEPARTMENT OF AGING


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Attachment 1



DATE: December 6, 2013

TO: Michael Brunette, Compliance Review Manager
State Personnel Board

FROM: 
Diane Paulsen, Acting Chief Deputy Director
California Department of Aging

SUBJECT: Response to the California State Personnel Board's Baseline
Compliance Review Report

This memo is in response to the findings presented in the California State Personnel Board's Baseline Compliance Review Report, received by the California Department of Aging (CDA) via e-mail on November 14, 2013.

Finding No. 1 - CDA Complied With Civil Service Laws and Board Rules for All Examinations That Were Conducted During the Compliance Review Period

No response required from CDA.

Finding No. 2 - CDA Did Not Retain Applications for All the Appointments Reviewed

CDA acknowledges that applications were not available for all appointments. CDA's corrective action plan is to request that hiring managers send all recruitment files to the Human Resources (HR) Office at the completion of a new hire. Hiring managers will no longer be given the option to retain the recruitment packages, ensuring consistent recruitment practices even with manager turnover. In the future, all applications will be retained in CDA's Human Resources Office for a minimum of two years after the recruitment file is created per Government Code Section 12946.

Finding No. 3 - CDA Does Not Have A Disability Advisory Committee

CDA acknowledges that while we do not have a formal Disability Advisory Committee (DAC), the Equal Employment Opportunity Officer is committed to advising CDA's Director on any issues of concern to employees with disabilities and continuing to ensure persons with disabilities are not underrepresented at CDA, as stated in Government Code Section 19795(b).

This effort is supported statistically as evidenced in CDA's 2012 Workforce Analysis which shows a disability parity of 27.6% for CDA. CDA's disability parity rate remains much higher than the State disability parity rate of 13.3%, which all State departments are encouraged to meet at a minimum.

CDA's efforts to maintain a diverse work environment with equal opportunity for all were also evidenced in October 2010, when the Association of California State Employees with Disabilities presented CDA with the 2010 Employment "Ace" Award for being one of the top twelve State departments employing and promoting persons with disabilities as of June 30, 2010. CDA earned this acknowledgement in the absence of a formal DAC because our culture of inclusiveness strives to promote equal opportunity employment both during the recruitment and hiring process as well as through CDA's Upward Mobility Program for current eligible staff.

CDA takes the issue of equal access very seriously as well. Even though we only lease the second floor of our building, CDA paid for and continues to maintain battery-operated automatic door openers on both the top and bottom floors of our building to ensure ease of access for all CDA staff as well as members of the public. We also ensure accessibility for staff at all-staff events, such as our annual staff holiday party which is held off-site.

CDA prides itself on being proactive regarding ergonomic workstation evaluations that are completed for all new employees within the first week of employment at CDA. Reassessments are now offered to all CDA staff annually as well. CDA's ergonomic evaluations not only ensure an employee's workstation is ergonomically arranged by a trained ergonomic evaluator, but also includes providing information to employees about proper ergonomic behaviors that empower employees to take care of their personal health and wellbeing. Often ergonomic evaluations include providing employees with a proper chair without requiring the employee to have to wait an excessive amount of time to acquire a new chair. Ergonomic evaluations may also include having desk heights adjusted within a timely manner.

Along with ergonomic evaluations, CDA also responds to all reasonable accommodation requests in a timely and thorough manner. In the past we have

ordered such equipment as special software and phone systems to accommodate persons with disabilities.

Even in the absence of a formal DAC, CDA believes there is no adverse impact to persons with disabilities; however, we have been networking with other Departments who have established DACs and are in the process of developing timelines to create and establish CDA's DAC.